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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 OSCAR PEREZ-MARQUEZ,)

9 Petitioner,)

2:17-cv-01718-JCM-PAL

10 vs.)

ORDER

11 JO GENTRY,)

12 Respondent.)
13 _____/

14 Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to
15 28 U.S.C. § 2254. ECF No. 1. Petitioner has failed to file an application to proceed *in forma*
16 *pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28
17 U.S.C. § 1915(a)(2); Local Rules LSR1-1, 1-2.

18 Thus, the present action will be dismissed without prejudice to the filing of a habeas petition
19 pursuant to 28 U.S.C. § 2254 on the form required by this court in a **new** action with either the \$5.00
20 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an
21 inmate account statement for the past six months and a properly executed financial certificate.

22 **IT IS THEREFORE ORDERED** that this action is dismissed without prejudice to the filing
23 of a petition in a new action with either the \$5.00 filing fee or a properly completed application form
24 to proceed *in forma pauperis*.
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IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

IT IS FURTHER ORDERED that the clerk shall send petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he submitted in this action.

IT IS FURTHER ORDERED that the clerk shall enter judgment accordingly and close this case.

Dated August 1, 2017.

James C. Mahan
UNITED STATES DISTRICT JUDGE